

DURHAM JOBLINK CAREER CENTER EQUAL OPPORTUNITY POLICY AND COMPLAINT PROCEDURES

NOTICE TO CUSTOMERS/PARTICIPANTS

Read this form carefully so that you are aware of your rights and benefits as a customer, eligible customer, or participant in the WIA program. If you do have a complaint about the WIA program activity you are enrolled in, follow the process listed on this form.

CIVIL RIGHTS

No action may be taken in selecting customers, in assigning them to services, employment or training sites, or in exiting them from WIA or from a WIA activity if such action is based on discrimination with regard to race, color, national origin, political affiliation or belief, religion, sex, disability, age, or marital status.

COMPLAINT PROCEDURE (Equal Opportunity/Nondiscrimination)

1. Applicants/participants may file a written complaint or request alternative dispute resolution (mediation) to resolve a complaint about any aspect of their WIA participation. A complaint should be addressed to the Local Area Equal Employment Opportunity Officer who will arrange an *informal* meeting for the purpose of resolving the complaint. The informal meeting is not a hearing. Some issues will be referred to the training institute, while others will be referred to the participant's employer, as applicable. Except for complaints alleging fraud, criminal activity, or discrimination, sexual harassment complaints shall be made within one year of the alleged occurrence.
2. If the complaint is not informally resolved, a request for a hearing may be substituted. The request must be filed in writing, signed and dated by the complainant or authorized representative and sent to the Durham Local Area (LA) agency, and include the following information:
 - a. full name, address, and telephone/TYY number of the complainant;
 - b. full name and address of the person or agency against whom the complaint is made
 - c. a clear, concise statement of the acts considered to be in violation is in regards to disability, a statement or supporting evidence that the complainant is disabled
 - d. and other information that will help explain and resolve the complaint.

The complaint must be addressed to the local area EEO Officer, who will arrange for the hearing and designate an impartial staff member to meet with the complainant and other concerned parties within 40 days of filing of the written complaint.

Mr. James Wragge, Coordinator/EEO Officer
Office of Economic and Employment Development
101 City Hall Plaza
Durham, NC 27701
Phone: (919) 560-4965

3. Complaint hearing procedures shall include the following:
 - a. reasonable notice to all parties by registered or certified mail
 - b. a statement of the date, time and place of the hearing
 - c. a statement of the authority and jurisdiction under which the hearing is to be held
 - d. a reference to the particular section of the Act, regulations, grant or other agreements under the Act involved
 - e. notice to the parties of the specific charges involved
 - f. the right of both parties to be represented by legal counsel or other individuals of his or her own choice

- g. the right of each party to present evidence, both written and through witnesses
 - h. the right of each party to cross examination
 - i. the right of an impartial decision maker who has not been directly involved in the events from which the complaint arose
 - j. and a written decision made strictly on the recorded evidence must be rendered within the prescribed time frame
- 4. Complete records and documentation will be kept in each contested case, including minutes of testimony, data submitted, findings, appeals, and final decisions.
 - 5. After the hearing, a written report will be provided to the complainant, within 40 days after receipt of the written complain, stating the complaint, the issues involved, and the hearing officer's decision. A copy of the report will be kept in the applicant/participant's file.
 - 6. If the complainant does not receive a decision at the local level within 40 days of filing of the complaint or receives an unsatisfactory decision on the appeal to the Durham Local Area, the complainant has the right to request a review of the complaint by the Governor (or his/her agent). Such requests must be filed in writing within 10 days of the receipt of the adverse decision or 10 days from the date on which the complainant should have received a decision, whichever is earlier. Requests for such review should be submitted to:

Warren M. Perry
Division of Employment and Training
4327 Mail Service Center
313 Chapanoke Road, Suite 120
Raleigh, NC 27699-4316

The Division will conduct a review of the complaint and issue a decision within 40 days from the date of receiving the review request.

- 7. The Director of the Division of Employment and Training may extend the 10 days if:
 - a. the sub recipient does not notify the complainant of his or her right to request a review by the Division, or
 - b. for other good causes shown

Under no circumstances shall the time limit be extended for more than 30 days. However, if an extension is not granted, the complainant may follow the procedures listed in number 8 below. The complainant has the burden of proving to the Division that the time limit should be extended.

- 8. Should the Division provide a decision unsatisfactory to the complainant or fails to provide one, the complainant may file a complaint with the Director of the Civil Rights Center of the U.S. Department of Labor. Such requests must be submitted within 30 days of the Division's decision or 120 days from the date the complaint was initially filed at the local level, whichever is earlier.

- 9. Complaints filed with the Director of the Civil Rights Center shall be mailed to:

Ms. Annabelle T. Lockhart, Director
Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue, N.W.
Room North 4123
Washington, D.C. 20210

The decision of the CRC is final.